

REMARKS/ARGUMENTS

Following entry of the amendment, claims 1-51 will be pending in this application. As a result of the November 20, 2003 Office Action, claims 1-42 stand rejected. Claims 43-51 have been added by the present amendment.

Claims 1, 5-10, 15, 18, and 19 have been rejected under 35 U.S.C. § 102(e) as being anticipated by May (U.S. Patent No. 6,021,492). Claims 2-4, 11-14, 16, 17, and 20-42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over May in view of Schreiber (U.S. Patent No. 6,298,446). For the reasons set forth below, applicants respectfully disagree with, and traverse, the stated grounds for rejection.

Independent Claims 1 and 10

Independent claims 1 and 10 have been rejected as being anticipated by May. Claims 1 and 10 both call for detecting the “activation status” of a piece of software, and for launching an activation feature if the software is not “activated.” The Examiner has read these features onto May, col. 11, ll. 54-67 and col. 9, l. 57 through col. 10, l. 23. The phrase “activation status” does appear in the cited portions of May (e.g., col. 11, l. 62). Notwithstanding the fact that May, and the present claims, have some language in common, it is clear that May does not teach the methods recited in claims 1 and 10, and that the “activation status” recited in the claims has a different meaning from the “activation status” mentioned in May.

May describes a system in which the use of software is “metered” by giving the user a “coupon” to make some limited use of the software. Once the permitted use of the software has

been exhausted, the coupon is “expired.” When the user’s coupon expires, the user “is queried as to whether additional use is requested.” (Col. 11, ll. 56-57). If no additional use is requested, then “the activation status is placed as inactive, which will prevent further access to the software.” (Col. 11, ll. 61-63). In other words, May’s “activation status” refers to whether the user currently has a valid coupon to use the software. When software is “inactive,” the user cannot use it at all.

By contrast, in the present invention, software is capable of performing some actions in its non-activated state, and a larger set of actions in its activated state. Thus, in the present invention, software in the non-activated state is not wholly unusable, but merely has a different functionality from the same software in the activated state. For example, the software may be a content-rendering application that renders one class of content in the non-activated state, but that can also render a larger class of content in the activated state. Or, the software may render content as part of a content-licensing architecture; in this case, the software in the non-activated state may be able to render some low-security content (e.g., content that is not controlled by a license), but the software may also be able to render content that is licensed to a particular persona when the software is activated. These example aspects of “activation” are described in the specification at page 6, line 23 through page 7, line 14, and at various other places in the specification and drawings. The “activation” status described in May simply means that an inactive program cannot be used by the user because the user’s coupon has expired. May’s limited definition of “activation” is different from the claimed “activation,” which is described by way of example in the specification. Thus, applicants submit that claims 1 and 10 are not anticipated by May.

Although the meaning of “activation” is clear from its contextual usage in claims 1 and 10, applicants have added new claims 43-48, which more particularly point out certain features relating to activation. Claims 43-48 are dependent on claims 1 or 10, and further define over May’s limited concept of activation as described in greater detail below.

Independent claims 23 and 36

Claims 23 and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over May in view of Schreiber. While the Examiner has relied on a combination of May and Schreiber in rejecting these claims, it should be noted that the Examiner relies entirely on May for the features relating to activation. (See Office Action, pp. 5-6.) For the reasons explained above, May does not teach or suggest the activation features recited in the claims. Moreover, the Examiner has not proposed a reading of Schreiber that would teach or suggest the activation features recited in claims 23 and 36, and applicants own reading of Schreiber reveals that Schreiber does not teach or suggest the activation features recited in the claims.

Thus, applicants respectfully submit that claims 23 and 36 are not obvious over a combination of May and Schreiber, and request that the rejection of claims 23 and 36 be withdrawn.

Moreover, new claims 49-51 are dependent, either directly or indirectly, on claims 23-36, and these new claims more particularly point out features related to activation. May and Schreiber do not teach these features, for the reasons set forth below.

New claims 43-51

New claims 43-51 have been added. These claims are supported in the originally-filed specification, at least by page 6, line 23 through page 7, line 14, and by page 15, line 1 through page 19, line 15. Thus, no new matter has been added by these claims.

Moreover, each of these claims recites features that are not found in the prior art of record, as set forth below:

Claim 43 is dependent on claim 1, and recites that the software can exist in either an activated or non-activated state, that the software performs a first set of actions in the non-activated state, and that the software performs both a first set of actions and a second set of actions in the activated state. Thus, the software performs some actions in the non-activated state, but also performs additional actions in the activated state. By contrast, when May's software is in the "inactive" state, that software performs no actions at all, since it is unusable by the user. (As noted above, Schreiber has nothing to do with "activated" and "non-activated" software, and the Examiner has not asserted that Schreiber teaches features related to activation of software.) Thus, claim 43 is patentable over May and Schreiber.

Claim 44 is dependent on claim 43, and recites that the software is associated with a first persona when the software is in the activated state, and that the second set of actions is a set of actions that the first persona is permitted to perform but that some other persona is not permitted to perform. Neither May nor Schreiber teaches or suggests these features.

Claim 45 is dependent on claim 44, and recites that the activated software can render digital content items that are licensed use by the first persona, but that are not licensed for use by some other persona. Neither May nor Schreiber teaches or suggests these features.

Claim 46 is dependent on claim 10, and recites features similar to claim 43. For the reasons discussed above in connection with claim 43, May and Schreiber do not teach the features of claim 46.

Claim 47 is dependent on claim 46, and recites features similar to those recited in claim 44. For the reasons discussed above in connection with claim 44, May and Schreiber do not teach or suggest the features of claim 47.

Claim 48 is dependent on claim 47, and recited features similar to those recited in claim 45. Thus, for the reasons discussed above in connection with claim 45, May and Schreiber do not teach or suggest the features of claim 48.

Claims 49 and 50 are dependent on claims 23 and 36, respectively. Claims 49 and 50 each recite features that are similar to those recited in claims 43 and 45. Thus, for the reasons discussed above in connection with claims 43 and 45, May and Schreiber do not teach or suggest the features recited in claims 49 and 50.

Claim 51 recites that the software is initially installed in said non-activated state, and wherein said software cannot be returned to said non-activated state after said software has been placed in said activated state. As described above, "active" versus "inactive" in May simply refers to whether the user currently has a non-expired coupon permitting him to use the software. Since software is placed in the "inactive" state after the coupon has expired, May's software

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clearly can go from “active” to “inactive.” Thus, May does not teach the features of claim 51 (and, as noted above, Schreiber has nothing to do with software being activated or non-activated.)

Thus, claims 43-51 are patentable over the prior art of record and should be allowed.

Drawings

The November 20, 2003 Office Action does not indicate whether the drawings have been accepted by the Examiner. Applicants respectfully request that the Examiner indicate in the next Office Action that the formal drawings filed with the application are acceptable.

Information Disclosure Statement

A Supplemental Information Disclosure Statement was filed on January 14, 2003. The Examiner has not returned an initialed copy of that IDS. Applicants respectfully request that the Examiner indicate in the next Office Action that the referenced submitted on January 14, 2003 have been considered.

Conclusion

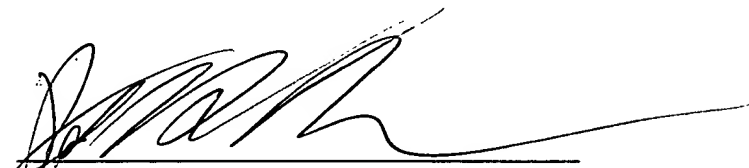
Claims 1, 10, 23, 36, and 43-51 have been shown to be patentable. Moreover, since all of the independent claims (1, 10, 23, and 36) have been shown to be patentable over the references cited, all of the dependent claims are patentable at least by reason of their dependency.

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Thus, all claims have been shown to be patentable over prior art. Applicants respectfully submit that this case is now in condition for allowance, and request that a Notice of Allowance be issued.

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